

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH G. NOGGLE

MAILED

JUN 27 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 2006-1538
Application No. 09/782,915

HEARD: June 6, 2006

Before FRANKFORT, CRAWFORD, and BAHR, Administrative Patent Judges.
FRANKFORT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 7. Claims 20 through 32, the only other claims remaining in the application, stand allowed. Claims 8 through 19 have been cancelled.

Appellant's invention relates to a device for adjusting the position of a cutting edge of an insert secured to the body of a multiple insert tool, such as a rotary cutter, or a rotary

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broaching, boring or reaming tool. Independent claim 1 is representative of the subject matter on appeal and reads as follows:

1. A device for adjusting the position of a cutting insert adjustably secured in a pocket disposed in a holder, comprising:

a cavity in said holder, at least a portion of said cavity being contiguous with said pocket;

an intermediate component separate from said holder and disposed within said cavity, said intermediate component comprising an external peripheral surface and at least one expansion mechanism, said external peripheral surface engaging the insert at said contiguous portion, and

a wedging device movably attached directly to said holder and engaging the intermediate component such that actuation of the wedging device results in expansion of the intermediate component in a direction substantially parallel to a desired direction of adjustment of the insert.

The prior art references relied upon by the examiner in rejecting the appealed claims are:

Matthews	3,703,117	Nov. 21, 1972
Basteck	5,391,023	Feb. 21, 1995

Claims 1 through 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Basteck in view of Matthews.

Rather than attempt to reiterate the examiner's commentary with regard to the above-noted rejection and the conflicting viewpoints advanced by appellant and the examiner regarding the rejection, we make reference to the answer (mailed December 21,

2005) for the examiner's reasoning in support of the rejection, and to appellant's brief (filed November 18, 2005) and reply brief (filed February 8, 2006) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by appellant and the examiner. As a consequence of our review, we have made the determination which follows.

As noted on pages 2-3 of appellant's specification, Basteck discloses a prior art device for adjusting the position of a cutting edge of an insert (18) secured to the body (12) of a multiple insert tool, such as a reamer, wherein the cutter insert is adjusted by use of a sleeve or pin (32) having a slotted end which is expandable by the tapered head (39) of a wedging screw (37). The sleeve or pin (32) is force fit into a bore in the tool body, and the wedging screw (37) engages an internal thread (36) on the sleeve to draw the tapered head of the screw into the sleeve to deform the upper slotted portion of the sleeve thereby applying an adjusting force on the cutter insert to move the

insert longitudinally along the guide slot (17) of the tool body and provide a sensitive, accurate, fine adjustment of the position of the cutter in the longitudinal direction of the guide slot. Appellant also describes certain disadvantages or drawbacks associated with the adjustment device of Basteck.

To overcome the drawbacks noted when using an adjustment device like that in Basteck, appellant provides a cutter insert adjusting device (Figs. 1-6) comprising, inter alia, an intermediate component (50) separate from the holder or tool body (12) and received in a cavity in the holder adjacent the pocket carrying the cutter insert, the intermediate component having an external peripheral surface (60) and at least one expansion mechanism (slots 54), the external surface engaging the cutter insert (14); and a wedging device (70) movably attached directly to the holder or tool body (12) via fine threads (74) and also engaging the intermediate component such that actuation of the wedging device results in expansion of the intermediate component in a direction substantially parallel to a desired direction of adjustment of the cutter insert.

In the obviousness rejection before us on appeal the examiner begins with the prior art adjusting device of Basteck, urging that it discloses the claimed invention except for the requirement for the wedging device to be "movably attached directly to said holder." The examiner looks to the Matthews patent to supply that deficiency, contending that Matthews teaches an expansion mechanism in a cavity of a tool holder (4), wherein the mechanism includes an expansion device having arms (22, 20) and a wedging device (26) movably attached directly to the holder (Fig. 2). The examiner then concludes that it would have been obvious to one of ordinary skill in the art at the time of appellant's invention "to modify the wedging device and holder as taught by Basteck to include the wedging device movably attached directly to the holder as taught by Matthews to threadedly engage the holder for the purpose of ensuring that the cutting insert is effectively wedge-locked against accidental removal from the tool holder and to provide maximum strength and rigidity" (answer, pages 4-5).

Appellant contends that the prior art relied upon by the examiner fails to provide an adequate teaching, suggestion or motivation for the combination urged by the examiner. More

particularly, appellant points out that the wedging/clamping devices (20) of Matthews, pointed to by the examiner, are specifically designed and used for securing the knife blade (5) of Matthews' paper cutter in the trough (2) of the cylindrical revolver (4), while it is the pusher-part knife supports (30) that are used to adjust the position of the knife blade relative to the trough (2). See column 3, lines 1-60, and Figures 1-3 of Matthews. Thus, appellant urges that the wedging/clamping devices (20) of Matthews perform the function of the clamping jaws (19) of Basteck and would therefore not have been viewed by one of ordinary skill in the art as a replacement for the cutter adjusting devices (32, 37) used in Basteck's machine reamer to adjust the position of the cutter insert (18) longitudinally of the guide slot (17). The essence of appellant's argument is that the examiner has improperly used hindsight in an attempt to reconstruct the claimed invention from disparate teachings in the prior art. A careful review of the Basteck and Matthews patents shows that appellant is correct in his assessment of the § 103 rejection before us on appeal.

In light of the foregoing, the rejection of independent claim 1, and of claims 2 through 7 which depend therefrom, under

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35 U.S.C. § 103(a) will not be sustained. Thus, the decision of the examiner is reversed.

REVERSED

Charles E. Frankfort

CHARLES E. FRANKFORT
Administrative Patent Judge

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MURRIEL E. CRAWFORD
Administrative Patent Judge

Jen Bahr
JENNIFER BAHR
Administrative Patent Judge

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